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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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STATE DOCUMENTS

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NOTE: Bill summaries included in this document are prepared by the staff of the South Carolina House of Representatives and are not the expression of the legislation's sponsor(s) or the House of Representatives. The summaries are strictly for the internal use and benefit of members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent.

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HOUSE WEEK IN REVIEW

The House of Representatives convened on Tuesday, January 14, for the commencement of the 115th General Assembly.

Members approved several changes to the Rules of the House of Representatives:

- Rule 4.4 was amended to add a Rescission Bill to the list of types of legislation that may be introduced as a Ways and Means Committee Bill with a majority vote, rather than the usual two-thirds vote, of the committee.
- The House amended Rule 4.6 which provides a procedure under which a committee chairman must place a bill or other measure that has been referred to the committee on the agenda of the full committee or a subcommittee upon the written request of a sponsor of the legislation or, in the case of a Senate measure, any House member. The amendment provides that a member may make such a request for consideration of a legislative measure only once per measure during a legislative session.
- Rule 8.6, which relates to invoking the previous question, was amended so as to provide that after the previous question has been invoked, the primary sponsor of an amendment may withdraw it with unanimous consent without making a motion to table it.
- Rule 8.10, which relates to the division of a question, was amended so as to provide that, in dividing a question, a bill may not, however, be divided into separate parts.
- The House amended Rule 10.1 which specifies who may be admitted within the House Chamber during session. The amendment provides that caucus employees must stay behind the rail in the back of the chamber at all times when the House is in session.

HOUSE COMMITTEE ACTION

The full committees did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3299 *HUNTING SMALL GAME* Rep. Frye

This bill revises the hunting season for raccoons and opossums in specified game zones. The bill also provides that during a period in which raccoons, opossums, or fox are allowed to be hunted without weapons, it is unlawful to take the animals, and all firearms must be unloaded and locked in a vehicle, unless legally permitted.

H.3300 *NIGHT HUNTING* Rep. Frye

This bill provides that rabbits may be hunted at night without weapons.

H.3303 *HUNTING DEER* Rep. Duncan

This bill provides that it is not unlawful to bait deer on private land at any time, and it is not unlawful to hunt deer on private land during the prescribed season for hunting.

H.3353 *COYOTES* Rep. Rhoad

This bill provides an exception to the prohibition against releasing a coyote within the state. The bill deletes the requirement for a permit to be obtained before trapping coyotes outside the prescribed trap distance limits. The bill provides further exceptions to the prohibition against selling, shipping, importing, or possessing live wolves or coyotes. The bill provides that a person who owns a coyote hunting enclosure and is permitted by the Department of Natural Resources to purchase live coyotes for release into his pen is not required to obtain a fur dealer, buyer, or processor's license. The bill further requires that the coyotes must be obtained from a South Carolina licensed commercial trapper and may be obtained only if the coyotes were taken lawfully in this State. The bill provides that record of coyote purchases or transfers must be reported annually. The bill provides that coyotes taken live to be sold as live animals are not required to be tagged.

EDUCATION AND PUBLIC WORKS

H.3272 *OPERATING A GOLF CART ON CERTAIN HIGHWAYS AND STREETS* Rep. J.R. Smith

This bill provides that the owner of a golf cart who is a disabled veteran may operate the golf cart, pursuant to certain provisions, without obtaining a permit.

H.3273 *GENERAL ASSEMBLY REVIEW OF REGULATIONS* Rep. Townsend

This bill provides that a regulation is deemed permanently withdrawn if, within two years of being filed for General Assembly review, the regulation has not become

effective by the running of the review period or enactment of a joint resolution approving the regulation. The bill provides that in such circumstances, the agency must refile the regulation if the agency desires that the regulation receive further consideration by the General Assembly.

H.3274 PAYMENT OF STUDENT FEES Rep. Townsend

This bill requires that regulations or policies adopted by school boards regarding charges and collections of fees must take into account the students' ability to pay and must hold the fee to a minimum reasonable amount. The bill provides that fees may not be charged to students who are eligible for free lunches and fees must be reduced *pro rata* for students eligible for reduced price lunches.

H.3275 EDUCATION POLICY GOVERNANCE Rep. Townsend

This joint resolution provides that the State Department of Education shall establish a two-year pilot program to support three school board-superintendent teams to explore a system of policy governance. The resolution also provides for appropriating \$100,000 from the State general fund in each of fiscal years 2003-2004 and 2004-2005 to establish the program.

H.3276 PROCEDURES FOR SCHOOL DISTRICTS RATED UNSATISFACTORY Rep. Townsend

This bill authorizes the State Superintendent of Education to implement a training program for the trustees and superintendents of school districts rated as unsatisfactory pursuant to the Education Accountability Act of 1998. The bill authorizes the State Board of Education to arbitrate personnel matters between the district board and the district superintendent when the State Board of Education is informed that the district board is considering dismissing the district superintendent, and the parties agree to arbitrate. The bill also provides for filling vacancies when the office of superintendent is declared vacant and provides for appointment of nonvoting members to the district board.

H.3277 REVIEW OF STATE STANDARDS AND ASSESSMENTS Rep. Townsend

This bill increases from every four years to every seven years, the cyclical review and update of academic areas of the state standards and assessments under the Education Accountability Act.

H.3278 CONTINUING EDUCATION FOR SCHOOL BOARDS Rep. Townsend

This bill requires and provides for a continuing education program for school board trustees, a component of which must be instruction on the fiscal concerns of a school district. The bill provides that the program must be funded by the State, and the bill authorizes the State Department of Education to use its own resources or contract with other entities to conduct the program.

H.3279 GUIDANCE COUNSELOR WORKSHOPS Rep. Scott

This bill requires and provides for the Commission on Higher Education (CHE) to establish an annual State Scholarships and Grants Guidance Counselor Workshop to be required for middle and high school guidance counselors, and to be paid for by funds appropriated by the General Assembly. The purpose of the workshop is to

outline financial assistance available to a student desiring to go to college and reviewing the requirements for a student to apply and qualify for such assistance.

H.3281 ANNUAL SCHOOL TERM FOR ANDERSON COUNTY

DISTRICT TWO Rep. Townsend

This bill provides that the starting and ending date for the annual school term of Anderson County School District Two must be set by that district's board of trustees, provided that the term complies with relevant statutory requirements.

H.3283 "SCHOOL TEACHER AUTHORITY ACT OF 2003" Rep. Altman

This bill authorizes and provides for a public school teacher to suspend a student from school for a period of one to five school days for a violation of the school's or district's disciplinary code for offenses warranting suspension that occur on school property or at school- or district-sponsored events. The bill further provides that such a suspension is not subject to appeal and the suspended student may not receive credit for or make up work missed.

H.3285 "CHOOSE DEATH" LICENSE PLATES Rep. Altman

This bill authorizes and provides for the issuance of "Choose Death" special license plates.

H.3287 FREE PARKING FOR HANDICAPPED PERSONS Rep. Altman

This bill provides that a vehicle displaying any license plate issued by the Department of Public Safety that indicates that the owner is handicapped is entitled to free parking privileges.

H.3290 NO SALARY SUPPLEMENTS FOR SCHOOL DISTRICT

SUPERINTENDENTS Rep. Altman

This bill provides that, except under specified conditions, a South Carolina school district superintendent may not receive and must not be offered from a nongovernmental source, any valuable consideration exceeding two hundred dollars for the performance of his duties. The bill provides a penalty for violation of this provision.

H.3294 MOTOR VEHICLE DIVISION SERVICES Rep. Rice

This bill authorizes the Department of Motor Vehicles (DMV) to contract with persons or entities throughout the state to issue motor vehicle license plates, registration cards, renewal stickers, and certificates of title. The bill requires that the DMV supervise such provision of services and compensate any entity providing the services.

H.3301 VARIANCES TO UNIFORM SCHOOL START DATE Rep. Clyburn

This bill allows a local school district board to vary the statewide uniform school start date if such a variance is approved in a referendum.

H.3302 UNIFORM SCHOOL START DATE Rep. Clyburn

This bill provides that a local school district of the State shall set the date that the schools in its district begin the school year.

H.3309 REQUIREMENT FOR CREDIT MANAGEMENT COURSE Rep. Huggins

This bill requires public high schools in South Carolina to teach a course in credit management, either as a separate course or incorporated into the curriculum of another course.

H.3317 CHARTER SCHOOLS Rep. Scarborough

This bill establishes a procedure for the board of directors of a charter school to discipline students, including authorization for corporal punishment. The bill provides that if a charter school suspends or expels a student, the board of directors of the charter school, rather than the school district, has the authority but not the obligation to refuse admission to the student. The bill also provides that an existing public school that converts into a charter school may continue to use the facilities used before its charter conversion without a requirement by the school district that the converted charter school lease or purchase the facilities. The bill provides for an appeal of a decision or a dispute regarding the use by a converted public school of the facilities it used before its conversion to a charter school.

H.3319 CULINARY ARTS PROGRAM AT TRIDENT TECH Rep. Merrill

This bill authorizes Trident Technical College to establish a four-year culinary curriculum program and to award baccalaureate degrees in culinary arts.

H.3326 EMPLOYMENT BY NATIVE AMERICAN TRIBES Rep. Cato

Currently, Native American tribes or tribal units that elect to pay benefits attributable to service in their employ but fail to reimburse the required payments, including interest and penalty assessment, within ninety days of the receipt of such a bill, cause the tribe or tribal unit to lose the option to make payments in lieu of contributions for the following tax year, unless payment in full is received before the contribution rates for the next year are computed. This bill revises this provision so as to provide that in such a circumstance, tribal units do not lose the option to make payments in lieu of contributions.

H.3333 SCHOOL BUSES Rep. G.M. Smith

This bill provides that the driver of a vehicle need not stop upon meeting a stopped school bus when traveling in the opposite direction on a four-lane or multi-lane highway. The bill deletes the current provision that a driver need not stop upon meeting a stopped school bus on highways where the roadways are separated by an earth or raised concrete median.

The bill deletes the current provision that the driver of a vehicle must stop upon meeting or passing a stopped school bus on any four lane or multi-laned highway where opposing highway is separated only by painted lines on the roadway or a narrow gravel median. The bill requires the driver of a vehicle to stop upon meeting or passing a stopped school bus which has red or amber signals actuated traveling in the same direction on a multi-lane highway.

The bill also provides that a school bus route that requires passengers to be off-loaded along a multi-lane highway must be designed to ensure that a student is not required to cross a four or multi-lane highway.

H.3355 *ANDERSON COUNTY DISTRICT 3 SCHOOL TERM* Rep. Townsend

This bill provides that the starting and ending date for the school term of Anderson County School District 3 must be set by the school board of the district, provided the term complies with relevant statutory requirements.

JUDICIARY

H.3271 *"GAMBLING CRUISE ACT"* Rep. Kirsh

This bill enacts the "Gambling Cruise Act" so as to make it unlawful to conduct gambling on "cruises to nowhere."

H.3280 *LEGISLATORS AUTHORIZED TO SERVE ON SOUTH CAROLINA INFRASTRUCTURE BANK* Rep. Harrison

This bill revises the provision prohibiting members of the General Assembly from serving on boards and commissions by adding the South Carolina Transportation Infrastructure Bank to the list of exemptions, thereby allowing legislators to serve on the bank.

H.3284 *JUDICIAL ELECTIONS* Rep. Altman

This bill makes various revisions regarding the election of judges. The bill provides that no member of the Judicial Merit Selection Commission is eligible to seek judicial office while serving on the commission and for one year thereafter. The bill provides that, when the commission finds a candidate unqualified, the candidate must be furnished a copy of the commission's report concerning his qualifications, and to provide further that the report must be kept confidential. The bill provides that a judicial candidate is not permitted on the floor during the time he is listed as a qualified candidate and the election is pending. The bill revises provisions under which the commission selects the three best qualified candidates for a judicial office as its nominees, so as to require, instead, that the commission release a list of all qualified candidates for the office. The bill provides that this list of qualified candidates is binding on the General Assembly. The bill makes revisions regarding the joint session of the General Assembly held for the election of judges, so as to provide that the chairman of the commission shall announce the list of qualified candidates for each judicial race.

H.3286 *RESTITUTION REQUIRED FOR BOMB THREATS* Rep. Altman

This bill revises provisions pertaining to communicating threats relating to use of explosive, incendiary, or destructive devices, so as to provide that, in addition to the penalties for a violation, the presiding judge shall order the offender to make full restitution for the cost of responding to or dealing with the threat or falsely conveyed information regarding the threatened use of such devices.

H.3289 VERIFICATION NOT REQUIRED FOR TORT CLAIMS Rep. Altman

This bill revises provisions relating to the South Carolina Tort Claims Act, so as to eliminate the requirement that a claim be verified.

H.3292 PROPOSED CONSTITUTIONAL AMENDMENT AUTHORIZING MEETINGS OF THE GENERAL ASSEMBLY AFTER ANNUAL ADJOURNMENT Rep. Altman

This joint resolution proposes an amendment to the South Carolina Constitution so as to provide that the Speaker of the House of Representatives and the President Pro Tempore of the Senate may together call the General Assembly back into session after the mandatory sine die adjournment date in any year for a period not to exceed thirty calendar days where, in their opinion, the necessities of government require it.

H.3293 STATE/LOCAL PUBLIC ENTITY PROHIBITED FROM SOLICITING LITIGATION AGAINST ITSELF Rep. Altman

This bill provides that a political subdivision of this state or state or local public entity may not solicit litigation against itself or directly or indirectly support the plaintiffs in any such litigation unless required to do so by law or court order. The bill provides that when a political subdivision or public entity is in violation of this provision, as determined by the State Attorney General, all expenses incurred for attorneys' fees and costs on its behalf must be paid by the subdivision or entity.

H.3304 GROSS INTOXICATION UNDER DRIVING UNDER THE INFLUENCE PROVISIONS Rep. Easterday

The bill revises provisions relating to driving under the influence so as to incorporate new provisions regarding gross intoxication. The bill provides that it may be inferred that a person who has at least sixteen one-hundredths of one percent by weight of alcohol in his blood is grossly intoxicated. The bill revises provisions relating to the unlawful operation of a motor vehicle while under the influence of alcohol, drugs, or both, so as to establish gross intoxication as an offense subject to enhanced penalties. The bill revises provisions relating to the suspension of the driver's license of a person convicted of driving while under the influence of alcohol, drugs, or both, so as to provide enhanced penalties for a person who is grossly intoxicated. The bill provides that a person convicted of a gross intoxication DUI offense may not obtain a provisional driver's license.

H.3311 DEATH OR WITHDRAWAL OF THE CANDIDATE WHO HAS WON THE PRIMARY Rep. J. Brown

This bill provides a procedure for the qualification of a candidate for statewide office when the person winning the primary dies or withdraws.

H.3312 REVERSAL OF A COURT ORDER ESTABLISHING PATERNITY Rep. J. Brown

This bill provides that, upon its motion or that of an interested party, an order establishing paternity may be reversed by the court upon presentment of evidence not available at the hearing establishing paternity that shows the order establishing paternity was in error.

H.3313 FIREARMS REQUIREMENTS FOR RETAILERS AND OWNERS

Rep. J. Brown

This bill provides that a firearm retailer shall perform a ballistics test on a firearm he sells before it is delivered to the purchaser. The retailer is required to submit to the State Law Enforcement Division certain information regarding the test. The bill provides that a firearm owner shall notify the State Law Enforcement Division once he loses possession of a firearm. The bill provides civil penalties for failure to comply with these provisions.

**H.3318 PROPOSED CONSTITUTIONAL AMENDMENT: APPOINTMENT OF
ADJUTANT GENERAL BY GOVERNOR** Rep. Viers

This joint resolution proposes amending the Constitution of South Carolina so as to remove the Adjutant General from the list of state officers which the constitution requires to be elected and provide, instead, that, beginning in 2006, the Adjutant General must be appointed by the Governor for a term coterminous with that of the Governor. Under the proposed amendment, the qualifications and appointment procedures for the Adjutant General would be set by the General Assembly by law.

**H.3321 PROPOSED CONSTITUTIONAL AMENDMENT: JOINT ELECTION OF
GOVERNOR AND LIEUTENANT GOVERNOR** Rep. Viers

This joint resolution proposes an amendment to the Constitution of South Carolina so as to provide for the joint election of Governor and Lieutenant Governor.

**H.3322 PROPOSED CONSTITUTIONAL AMENDMENT: APPOINTMENT OF
SUPERINTENDENT OF EDUCATION BY GOVERNOR** Rep. Viers

This joint resolution proposes an amendment to the Constitution of South Carolina so as to remove the Superintendent of Education from the list of state officers who must be elected and provide, instead, that the superintendent be appointed by the Governor, with the advice and consent of the General Assembly, to serve at his pleasure and to be removable by him for any reason.

**H.3323 PROTECTION OF THE GOVERNOR BY SOUTH CAROLINA LAW
ENFORCEMENT DIVISION** Rep. Viers

This bill provides that the South Carolina Law Enforcement Division's jurisdiction includes the protection of the Governor and Governor-elect.

**H.3324 PURCHASE OF MORE THAN ONE PISTOL DURING THIRTY-DAY
PERIOD** Rep. Viers

This bill revises restrictions related to the purchase of a pistol so as to eliminate the provision that disallows a person to purchase more than one pistol during each thirty-day period.

**H.3325 MOPEDS AND MOTOR SCOOTERS DISALLOWED ON PRIMARY
HIGHWAY SYSTEM** Rep. Viers

This bill provides that neither a moped nor a motor scooter may be operated along the state's primary highway system.

**H.3329 UNLAWFUL FOR MOTORIST TO MISLEAD LAW ENFORCEMENT
OFFICER REGARDING HIS IDENTITY Rep. G. M. Smith**

This bill revises provisions relating to the unlawful alteration, sale, issuance, and use of a driver's license, so as to provide that it is unlawful for a person operating a motor vehicle to knowingly and willfully give false information to a law enforcement officer regarding his identity.

**H.3330 INCREASED PENALTIES FOR RECKLESS HOMICIDE
Rep. G. M. Smith**

This bill increases penalties for a person who is convicted of, pleads guilty to, or pleads nolo contendere to the offense of reckless homicide.

H.3331 VEHICULAR HOMICIDE Rep. G. M. Smith

This bill establishes the offense of vehicular homicide and provides penalties for a violation of this offense.

H.3332 DRUG PARAPHERNALIA Rep. G. M. Smith

This bill revises provisions relating to the unlawful advertisement for sale, manufacture, sale, delivery, or possession with intent to sell or deliver drug paraphernalia, so as to make technical changes and to revise the penalties.

**H.3336 MANDATORY FURLOUGHS INVOLVING MEMBERS OF THE SOUTH
CAROLINA RETIREMENT SYSTEM OR SOUTH CAROLINA POLICE
OFFICERS RETIREMENT SYSTEM Rep. G. M. Smith**

This bill provides revisions relating to the South Carolina Retirement System and the South Carolina Police Officers Retirement System, so as to provide that "earnable compensation" and "compensation" must be adjusted to add back any amount not received by a member of either retirement system as a result of a mandatory furlough imposed on the member as a result of reduction in appropriations for the member's employer. The bill requires the member's employing agency to certify to the pertinent retirement system the amount to be added in the computation of earnable compensation or compensation and to waive the payment of employee and employer contributions on any amount added to earnable compensation or compensation.

H.3337 REDUCTION OF TRAFFIC VIOLATION POINTS Rep. G. M. Smith

This bill provides that when a defendant pleads guilty or nolo contendere to a four point traffic violation, the trial officer, in his discretion may reduce the value of the points by two.

**H.3338 UNLAWFUL USE OF OBSCENE OR PROFANE LANGUAGE
Rep. G. M. Smith**

This bill revises the provision under the offense of public disorderly conduct which provides that it is unlawful to use obscene or profane language on a highway, at a public place or gathering, or in hearing distance of a schoolhouse or church so as to provide that the offense pertains to the use of obscene or prof